

MARTIN & MARTIN, LLP

Areva D. Martin, Esq. (State Bar No. 131397)

Rosa M. Kwong, Esq. (State Bar No. 129811)

3530 Wilshire Boulevard, Suite 1650

Los Angeles, California 90010

Telephone: (213) 388-4747

Facsimile: (213) 388-6655

Attorneys for Defendant, A&B MAINTENANCE, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CALIFORNIA SERVICE EMPLOYEES
HEALTH & WELFARE TRUST FUND,
et al.,

Plaintiffs,

v.

A & B MAINTENANCE, INC.,

Defendant.

NO.: CO7-4945 TEH

The Honorable Thelton E. Henderson

**DEFENDANT A&B MAINTENANCE,
INC.'S NOTICE OF DISMISSAL OF
COUNTERCLAIM**

AND RELATED COUNTERCLAIM

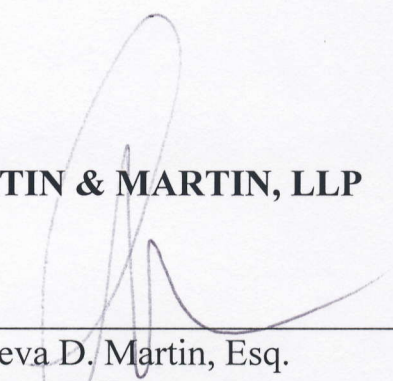
TO PLAINTIFFS AND ITS ATTORNEYS OF RECORD:

1 PLEASE TAKE NOTICE that Defendant A&B MAINTENANCE, INC. is
2 voluntarily dismissing, without prejudice, its counterclaim against Plaintiffs
3 CALIFORNIA SERVICE EMPLOYEES HEALTH & WELFARE TRUST FUND,
4 MIKE GARCIA, Trustee, CHARLES GILCHRIST, Trustee, RAYMOND C. NANN,
5 Trustee and LARRY T. SMITH, Trustee, filed concurrently with Defendant's answer to
6 the Complaint on February 20, 2008.
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9 Said Notice of Dismissal is submitted pursuant to Federal Rules of Civil
10 Procedure, Rule 41(a)(1)(A)(i).
11
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13 Dated: March 12, 2008

MARTIN & MARTIN, LLP

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15 By: 
16 Areva D. Martin, Esq.
17 Rosa M. Kwong, Esq.
18 Attorneys for Defendant and
19 Counterclaimant
20 A&B MAINTENANCE, INC.
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PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 3530 Wilshire Boulevard, Suite 1650, Los Angeles, California 90010.

On March 13, 2008, I served the foregoing document described as **DEFENDANT A&B MAINTENANCE, INC.'S NOTICE OF DISMISSAL OF COUNTERCLAIM** on all interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Philip M. Miller, Esq.
SALTZMAN & JOHNSON LC
120 Howard Street, Suite 520
San Francisco, California 94105

(Via E-Mail to: pmiller@sjlawcorp.com and U.S. Mail)

☒ **BY MAIL:** I am familiar with this firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

☒ **BY ELECTRONIC SERVICE:** I caused delivery of the above document to be sent to the person at the e-mail address listed above.

☐ **STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ **FEDERAL** I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.

Executed on March 13, 2008, at Los Angeles, California.



Shontel Johnson